

Rec'd PCT/PTO 16 FEB 2005

Dau del

07506003

SOLE/JOINT  
ATTY DOCK: DKT02033DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought in the application entitled:

**EXHAUST GAS TURBOCHARGER FOR AN INTERNAL COMBUSTION ENGINE**

This declaration is directed to:

☒ the attached application  
(for original application)Application No. \_\_\_\_\_  
filed \_\_\_\_\_, and amended on \_\_\_\_\_

(for declaration not accompanying application)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed (yes or no)
102 37 413.9	Germany	August 16, 2002	Yes
PCT/EP2003/008868	World	August 9, 2003	Yes

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any material information under 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status (patented, pending, abandoned)

I hereby appoint Stephan A. Pendorf, Reg. No. 32,665; Yaté K. Cutliff, Reg. No. 40,577; John J. Martinez, Reg. No. 48,254; Greg Dzegielewski, Registration No. 28,073; A. Michael Tucker, Registration No. 32,539, my attorneys, and Evelyn A. Deillo, Reg. No. 45,630; agent, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to BorgWarner Inc., Patent Department, Powertrain Technical Center, 3800 Automation Avenue, Suite 100, Auburn Hills, MI 48326-1782, Attention: Patent Docket Administrator.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 20.01.05Second Inventor: Helmut

DAUDEL

Residence: same as mailingSignature: HelmutCitizenship: GermanyMailing Address: Krebsgässle 14  
73614 Schorndorf, GERMANY

BEST AVAILABLE COPY

\*EXPRESS MAIL LABEL NO.: **EV550579705 US**

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 IN AN ENVELOPE ADDRESSED TO: THE COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THIS DATE. THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FEES ARISING HEREFROM AT ANY TIME TO DEPOSIT ACCOUNT 18-0877.

02/16/05 Donna L. Horst

PAGE TWO  
SOLE/JOINT  
ATTY DOCK: DKT02033Date: 23.01.2005Residence: same as mailingCitizenship GermanySecond Inventor: Helmut

First Name

Middle Initial

FINGER

Last Name

Signature: Helmut FingerMailing Address: Bergstrasse 7370771 Leinfelden-Echterdingen, GERMANYDate: X 10.01.2005Residence: same as mailingCitizenship GermanySecond Inventor: Peter

First Name

Middle Initial

FLEDERSBACHER

Last Name

Signature: Peter FledersbacherMailing Address: Fred-Uhlman-Strasse 170619 Stuttgart, GERMANYDate: 03.12.2004Residence: same as mailingCitizenship GermanySecond Inventor: Hans-Josef

First Name

Middle Initial

HEMER

Last Name

Signature: Hans-Josef HemerMailing Address: Gaugasse 667550 Worms, GERMANYDate: 03.12.2004Residence: same as mailingCitizenship GermanySecond Inventor: Ralf

First Name

Middle Initial

KOCH

Last Name

Signature: Ralf KochMailing Address: Gaubergstrasse 2267308 Rüssingen, GERMANYDate: X 17.01.05Residence: same as mailingCitizenship GermanySecond Inventor: Stephan

First Name

Middle Initial

SCHENKEL

Last Name

Signature: Stephan SchenkelMailing Address: Brentenwaldstrasse 2370599 Stuttgart, GERMANYDate: X 10.1.2005Residence: same as mailingCitizenship GermanySecond Inventor: Siegfried

First Name

Middle Initial

SUMSER

Last Name

Signature: Siegfried SumserMailing Address: Im unteren Kienle 970184 Stuttgart, GERMANY

BEST AVAILABLE COPY